THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21926 OF 2005

DATED:6.10.2005

Between:

Sri Vijaya Visakha District Milk Producers

Mutually Aided Cooperative Union Ltd.

(Visakha Coop Dairy), Visakhapatnam

rep. by its Managing Director, Dr.N.V.Venkata Rao

S/o.Ramana, Visakhapatnam

…Petitioner

And

The District Collector, Visakhapatnam District,

Visakhapatnam and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21926 OF 2005

ORDER:

Sri Vijaya Visakha District Milk Producers Mutually Aided Cooperative Union Ltd., (hereafter called, the Society) assails the letter of the District Collector dt.16.8.2005 addressed to the Mandal Revenue Officer, Gajuwaka, directing to implement the orders of the Collector, Visakhapatnam, dt.28.6.2005 whereby and whereunder the Collector issued orders to resume the land in S.Nos.104 and 112 of Tunglam Village of Gajuwaka Mandal, admeasuring Acs.7.06, as illegal and arbitrary.

The Society approached the first respondent on 9.10.2003 requesting to handover the Government land in question for establishment of children's park. Accordingly, by proceedings dt.28.10.2003 the first respondent accorded permission to the

Society to take possession of the land and develop children's park. As the petitioner Society failed to do so, by proceedings dt.28.6.2005 first respondent directed the second respondent to resume the land. The General Manager of the Society approached the Collector on 9.7.2005 requesting him not to take back the land and grant some more time for development of children's park. After considering the same, first respondent issued the impugned letter directing the second respondent to implement its earlier orders.

Learned counsel for the petitioner submits that the Society has already allotted sufficient funds for the development of children's park and if some time is granted, the park will be developed.

First respondent never allotted the land to the Society. Further, while permitting the Society to take possession in his proceedings dt.28.10.2003, first respondent observed as under.

> In the circumstances reported by the RDO, Visakhapantam in the Progs. 3rd read above and in view of assurance given by the Hon'ble Chief Minister of Andhra Pradesh, Hyderabad, during his visit to Visakhapatnam on 23.8.2003, the Mandal Revenue Officer, Gajuwaka is hereby permitted to handover possession of land measuring Ac.3.84 cts. In S.No.104 and Ac.3.22 cts. In S.No.112 of Tungalam to the Visakha Coop. Dairy with immediate effect for the purpose of Development of Children's Park subject to the following conditions;
>
> i. that the land so handed over should be utilized for the above said purpose only;
>
> ii. that the Visakha Coop. Dairy shall not claim any right over the land in future and the land shall remains vested with State Government;
>
> iii. that the Visakha Coop. Daily should develop part with their own funds.

The said proceedings do not in any manner confer any right and the Society was only permitted to develop park. When the Society failed to do so, by proceedings dt.28.6.2005 first respondent ordered resumption of the land. The said proceedings are not assailed in the Writ Petition. Thereafter, the General Manager of the Society addressed a letter to the Collector grant some more time. But, the Collector did not do so, and further directed the Mandal Revenue Officer to resume the land. This Court, therefore, fails to see any illegality or arbitrariness in the action taken by first respondent for resumption of the land. Further, the petitioner has no right that can be enforced in these proceedings under Article 226 of the Constitution of India.

The Writ Petition with the above observations is dismissed. No costs.

(V.V.S.RAO, J)

6.10.2005

bnr